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GENERAL REVIEW AND ENFORCEMENT POLICIES

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**PREPARATION OF A DRAFT FEDERAL REGISTER NOTICE OF APPROVAL OF A  
NEW ANIMAL DRUG APPLICATION (FR NOTICE)**

I. The Requirement to Publish a FEDERAL REGISTER (FR) Notice:

Section 512(i) of the Federal Food, Drug, and Cosmetic Act requires the Food and Drug Administration (FDA) to publish in the FEDERAL REGISTER (FR) a notice, which upon publication becomes effective as a regulation, announcing the approval of a New Animal Drug Application (NADA). A FR Notice is required for all original and supplemental NADAs and abbreviated NADAs except when the approval of such application would not result in a revision to the existing regulation.

The regulation must include the name and address of the applicant and the conditions and indication(s) of use of the new animal drug, including the allowable daily intake (ADI) and any tolerance or withdrawal period or other use restrictions. If the new animal drug is intended for use in animal feed, the regulation must also include the appropriate purpose(s) and conditions of use applicable to any animal feed for use in which such drug is approved and such other information that may be necessary to assure the safe and effective use of such drug.

II. When to Begin Preparation of the FR Notice:

A reviewer should initiate preparation of a FR Notice when all the major components of an application are substantially complete and the reviewer has determined that the new animal drug is approvable. For a traditional NADA, the preparation of the FR Notice is initiated under the NADA. For an administrative NADA, the preparation of the FR Notice is initiated under the INAD.

III. Responsibilities for the FR Notice:

It is the responsibility of the Policy and Regulations Team, HFV-6, with the assistance of the primary reviewer in the Office of New Animal Drug Evaluation (ONADE), to prepare a FR Notice for publication. In order to ensure consistent communication, *the primary reviewer is the only person who should interact with HFV-6 regarding the draft FR Notice.*

A. **HFV-6** is responsible for:

1. Putting approval information into the proper format and ensuring the completeness and accuracy of the FR Notice.
2. Providing the primary reviewer with the draft regulation and, for supplements, the current existing regulation.
3. Creating and maintaining the draft document and subsequent versions.
4. Verifying, when pen and ink changes are submitted to HFV-6, that no other changes to the existing regulation have been made or proposed by other Divisions or Offices.

B. The **Primary Reviewer** is responsible for:

1. Providing approval information to HFV-6 (See Section E.)
2. Reviewing the content of the draft FR Notice for accuracy of information, e.g., NADA number, and completeness of the scientific information and the exclusivity information and statements. For approvals for new animal drugs for food animals, the primary reviewer should ask HFV-150 to confirm that the information for the ADI, tolerances and withdrawal period is complete and correct.

C. The **Primary Reviewer, Team Leader, Division Director, and HFV-102** are responsible for:

1. Proofreading and making the necessary pen and ink changes to the draft FR Notice as part of their review of the draft approval decision package. Any changes should be communicated to the Primary Reviewer for follow-up.
2. The Primary Reviewer will communicate the changes to HFV-6.

IV. Step-by-Step Instructions for Preparing the FR Notice:

- A. The **Primary Reviewer** should initiate the preparation/update of the FR Notice by handcarrying to the HFV-6 team leader the information necessary to draft/update the regulation (See Section E.). Simultaneously, the reviewer should submit to the Document Control Unit (DCU):

<b>For an Administrative NADA<sup>1</sup></b>	<b>For a traditional NADA</b>
Under the INAD, an Agency Initiated Action Submission Form with a 14-day suspense time a Review Request and Movement Form (FDA Form 3446) requesting a consulting review.	Under the NADA, a Review Request and Movement Form (FDA Form 3446) requesting a consulting review.

indicating the date on which the FR Notice was requested, thereby allowing DCU to note on the tracking system that the draft FR Notice is being prepared.

- B. **HFV-6** will prepare a draft FR Notice and send it to the Primary Reviewer by e-mail for comment.
- C. The **Primary Reviewer** will have 2 working days to comment electronically on the draft FR Notice. When the new/supplemental approval provides for the establishment of an ADI, tolerances or withdrawal period, the Primary Reviewer should forward the draft FR notice to HFV-150 by e-mail for review.
- D. As necessary, the **Primary Reviewer and HFV-6** will have informal iterative discussions regarding the draft FR Notice.
- E. After the comment period, **HFV-6** (with sign-off by the HFV-6 Team Leader) will return the paper copy of the draft FR Notice with an FRDTS number and cover sheet to the Primary Reviewer using Form 3446 through DCU.
- F. Upon receipt of the paper copy of the draft FR Notice, the **Primary Reviewer** will review the draft FR Notice, FOI Summary, Labeling and Memorandum Recommending Approval to ensure accuracy and consistency within and among the documents.
- G. If the FR Notice is acceptable and was initiated under the INAD, the **Primary Reviewer** should FNR the Agency Initiated Action Submission with a STARs Final Action Movement Form. The contents of the Agency Initiated Submission is retained by the Primary Reviewer and not filed in the INAD.

<sup>1</sup> For an original application, the NADA number may be assigned by the DCU prior to the submission of the application. To locate the proper STARs form go to: CVM Jump Start to the WWW; CVM Intranet Resources; STARs Document Directory; STARs Forms; Reserving an NADA number.

- H. If pending changes have been made to the FR Notice during review of the draft approval decision package, a clean copy of the draft FR Notice should accompany the final approval package forwarded for signature. A request for a clean copy will not be tracked through the DCU.

The draft FR Notice preparation process should ordinarily be completed within one calendar week..

V. What Information Is Needed to Prepare an FR Notice:

To assist HFV-6 in preparing a FR Notice, the **Primary Reviewer** should forward to HFV-6:

- A. A copy of the draft Memorandum Recommending Approval;
- B. Limitations for use not described in this guidance document; and
- C. As needed, other pertinent information such as examples of a regulation format that could be used for consistency.

The Memorandum Recommending Approval includes essential information needed to draft the FR Notice: the name, address, and labeler code of the sponsor; name of the drug as labeled (proprietary and chemical); species and class of animal for which the drug is intended; diseases or conditions for which the drug is intended; if a Type A medicated article, its category and whether the Type B and Type C medicated feeds produced from the Type A article are OTC or subject to a Veterinary Feed Directive (VFD); ADI, tolerances and withdrawal period; environmental citation and conclusions; whether generic or pioneer new animal drug application; and, patent information and exclusivity provisions.

VI. Statements to be Used in the Limitations for Use Section of the FR Notice:

This section provides guidance to primary reviewers in determining the appropriate limitations for use statements that should appear in the regulation that codifies the approval of a new animal drug. The primary reviewer may determine that additional statements should appear in the limitations for use section for an individual NADA.

- A. If the new animal drug is intended to be administered as a medicated feed subject to 21CFR 558 then any limitations of use statements required to appear on the label of the medicated feed must appear in this section of the regulation. If the new animal drug is classified as a VFD drug then this section should contain the VFD cautionary statement.
- B. If the new animal drug is not intended to be administered as a medicated feed and is intended for use in a non-food-producing animal species, the following limitation for use statements apply:
  - 1. If the product is classified as a prescription new animal drug, the limitations for use section of the regulation should contain the prescription legend and, if applicable, the extra-label use prohibition statement.
  - 2. If the product is classified as an over-the-counter new animal drug, the limitations for use section of the regulation should contain, if applicable, the extra-label use prohibition statement.
- C. If the new animal drug is not intended to be administered as a medicated feed, and is intended for use in a food-producing animal species, the following limitations for use statements apply:
  - 1. If the product is classified as a prescription new animal drug, the limitations for use section of the regulation should contain the prescription legend and, if applicable, the extra-label use prohibition statement. In addition, the withholding/withdrawal time should appear in this section. (A separate regulation codifying the ADI and tolerances should appear in 21 CFR 556.)
  - 2. If the product is classified as an over-the-counter new animal drug, the limitations for use section of the regulation should contain, if applicable, the extra-label use prohibition statement. In addition, the withholding/withdrawal time should appear in this section. (A separate regulation codifying the ADI and tolerances should appear in 21 CFR 556.)